

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANA SINCLAIR,

Plaintiff,

v.

Case No. 5:05-CV-072

BANKERS TRUST COMPANY
OF CALIFORNIA, N.A.,

HON. GORDON J. QUIST

Defendant.

ORDER

The Court has before it Plaintiff Lana Sinclair's motion for an ex parte order of possession. Plaintiff seeks to retain possession of the property on 4569 Nickleplate Road, Ionia County, Michigan. Plaintiff claims that an ex parte order is necessary to prevent Defendant from further attempts to gain possession of the property. Plaintiff is essentially seeking a temporary restraining order under Fed. R. Civ. P. 65(b), and thus the Court will treat the motion as a Rule 65(b) motion.

The Court will deny Plaintiff's motion because Plaintiff has not complied with the requirements of a Rule 65(b) motion. Fed. R. Civ. P. 65(b) requires Plaintiff to show specific facts by affidavit or verified complaint that Plaintiff will suffer immediate and irreparable harm. However, Plaintiff has not provided any affidavits or other evidence to support the motion. In addition, Plaintiff has failed to comply with Local Rule 7.1(a), which requires that all motions be accompanied by supporting brief. W.D.Mich. LCivR 7.1(a).

Therefore, **IT IS HEREBY ORDERED** that Plaintiff's Motion For Ex Parte Order (docket no. 2) is **DENIED**.

Dated: May 5, 2005

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE